

# **UC-AFT** **Local 1966** **UC-Riverside**

**Fall 1997**

**Vol. 12, No. 1**

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## **UPS and Beyond**

*by Arlen Appleford*

Anyone watching the Teamsters' Jim Carey take on UPS during the dog days of August could hardly resist the appeal of the union president. Here was a second-generation trucker risen from the ranks, leading thousands of his fellow union members against a company apparently as implacable as the summer heat.

Carey had come to leadership in the nation's most crime-ridden union only a few years before, a new kind of leader with an almost messianic quest. He cut the president's salary by a third and sold off the executive planes and the limo. Then he went to work--in Washington, not Hawaii, which his predecessors had preferred--and in short order, the Mafia and the crooked money, which had controlled the union for as long as anyone could remember, were gone. Here was a man worth watching.

And if you did watch during those fourteen days of high summer, you saw unfold a story of amazing energy and perseverance in the face of overwhelming odds. Ingeniously, Carey turned the arrogance of his adversary upon itself, and then stuck fast, refusing that "last best

offer" UPS was so sure the workers would accept.

It was stunning -- the ensuing victory -- splendid, a jaw-dropping triumph. For labor, after years of national neglect or defeat, it was a real score. For these were the years when Reagan's firing of the air traffic controllers cast a long shadow over the nation's workers.

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## **Getting to Know Your MOU** **Article 33 - Grievance** **Procedure**

*by Barbara Gable*

According to the Unit 18 Memorandum of Understanding (MOU), "a grievance is a claim that a certain article(s) of this Memorandum of Understanding has (have) been violated by the University during the term of this Memorandum of Understanding", or in plain English, a grievance states that the University is not abiding by the MOU.

The University (a euphemism for the administrators who supervise lecturers and librarians) may appear to be violating the contract on purpose or through an oversight. In either case, following the griev-

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## UPS and Beyond

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And they were also the years during which Manpower, a chain of agencies offering temporary employment, had become the fastest-growing employer in the country, picking up thousands of workers forced by corporate "downsizing" out of permanent full-time jobs with benefits into part time work with none.

If ever there seemed to be a climate in which labor's defeat appeared to be a chronicle foretold, this was it, and that of course is what made the victory so sweet. The moneychangers were vanquished. It was breathtaking.

If this had been a story of charismatic leadership, however, it would have been over almost as quickly as it started. For within days of the settlement, Carey's re-election the previous December was nullified,



### UC-AFT LOCAL 1966 OFFICERS

**President:** Arlen Appleford, English  
(909) 686-1632

**Vice-President:** Barbara Bennett,  
Music (909) 682-7264

**Treasurer:** Barbara Gable, English  
(909) 682-5738

**Secretary:** Deloy Simper, English (909)  
781-6213

**Librarian representative:** Dick  
Vierich, Bioag Library (909) 784-2288

**Senate Faculty representative:**  
Dave Fairris, Economics

**Grievance Committee:**  
Dick Vierich, Bioag Library  
Cynthia Tuell, English  
Barbara Bennett, Music

his subordinates were accused of money laundering in his behalf (they have since pleaded guilty), and the campaign money trail has led so near Carey himself that he has been barred from the re-run election to be held in spring. Several days ago, so compromised by the several claims against him that he could not do his job, Carey stepped aside.

Carey's apparent disgrace--nothing has been proven yet--has already become a tool of labor's opponents, as though Carey's future and the future of union labor are one. Of course they are not: Carey's orchestration of the Teamster resistance to UPS led to achievements that are lasting and indicative of a major shift in the American attitude toward labor. They are worth pondering for the encouragement they offer to all of us engaged in the cause of labor, as laborers.

One of the most hopeful signs that things are looking up for labor is that the strike was supported, uncharacteristically, if we think of the last couple of decades, by the American public. Although UPS executives had originally thought a walkout impossible, once it began they felt it would be ended swiftly if the public's pervasive hostility toward labor could be focused dramatically on the striking UPS workers.

To accomplish this, UPS took out ads all over the country urging citizens to flood the White House with letters demanding Presidential action. For those citizens who might not be able to think of what to write on their own, UPS provided sample messages. UPS hoped by this public outcry to force Clinton to invoke the provision of Taft-Hartley labor law that allows a President to end a strike when shutdown threatens the country's well-being.

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## Getting to Know Your MOU

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ance procedure outlined in the MOU is the way to find out if a violation has occurred, to bring the problem to the administrator's attention, to attempt to resolve it, and to prevent its happening again.

Members of Units 17 and 18 on the UCR campus have traditionally been leery of filing grievances. Some think nothing can be done, others are afraid of offending a supervisor, and still others may be intimidated by the labyrinthine grievance procedure outlined in the MOU. The UC-AFT has often heard about problems long after it was much too late to do anything about them. We hope that this newsletter article will encourage prompt and responsible filing of grievances whenever a member of Unit 17 or 18 feels that a violation of the MOU has occurred.

To decide whether or not the contract has been violated, it is of course necessary to know what the MOU says. Although, as the above definition illustrates, the MOU is not beautifully written, it can be entrancing reading because it deals with your job, the terms and conditions of your employment. So spend some time at least browsing through the articles.

As you browse, you will notice that some articles limit grievances or arbitration (the next step if a grievance cannot be resolved by the procedures duress of the MOU). This is, to put it bluntly, a weakness of the MOU, at least from the perspective of the employee. The provisions of many articles can, however, be grieved and should be if they have been violated. Here the Unit 18 MOU is discussed, but the broad

procedures outlined below apply also to the librarians' MOU.

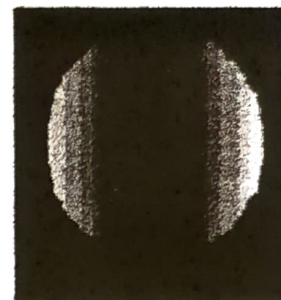
Who can file a grievance? Any member of a bargaining unit can file singly or as a member of a

group in a consolidation of grievances. The UC-AFT can also file a grievance on behalf of a unit member or members. Note that you do not have to be a member of the UC-AFT to file a grievance. We represent all members of the bargaining units, but of course we wish you would all join, the sooner the better. Members give a union clout.

The most important thing to do if you feel that the University is violating the MOU is to contact an officer of the Local immediately. Inertia is the deadliest enemy of successful grievances because the filing deadlines are very strict. You must file a formal grievance in writing within forty-five calendar days from the date you first knew or could have been expected to know that a possible violation occurred. Librarians have only thirty days.

Hoping the problem will go away or keeping a stiff upper lip are not useful strategies when problems arise for lecturers or librarians. Too often in the past, by the time the situation became unbearable, it was too late to do anything. Only by initiating the grievance procedure in a timely fashion can we enforce the MOU and make the University take it seriously. Last year, by not notifying the UC-AFT and not filing a grievance until it was too late, a UCR lecturer who may have been wrongfully terminated lost the chance

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to force the University to reverse its decision.

After you have contacted a Local officer, you will find that filing a grievance is not as scary as the MOU makes it look. The first step is simply to discuss the problem informally with your supervisor, the department chair in the case of lecturers. If you wish, a Local officer will attend the meeting with you. In many cases, a Step 1 meeting is all it takes to resolve the issue and a formal grievance never needs to be filed. For example, last year the English Department conceded after a Step 1 meeting that its lecturers should have access to telephones as guaranteed in the MOU.

But what if the grievance can not be resolved at an informal meeting? Then a written grievance must be filed within the forty-five-day limit, thirty days for librarians. Your Local officer will help you fill out the form, quite simple to do. It is then taken to the Labor Relations office to be date stamped and submitted.

After the grievance is filed, a Step 2 meeting should be scheduled within ten days with a designated campus official at a higher administrative level. You may request that a UC-AFT officer attend this meeting with you. It is also possible, if both sides agree, to waive this meeting and proceed directly to Step 3.

If no resolution is forthcoming at the Step 2 meeting, the grievance can move to a Step 3 review. This is initiated by a request from the person filing the grievance to the Labor Relations office within fifteen days of the University's decision after the Step 2 meeting.

A Step 3 review is the final step in the grievance process. If your grievance goes this far, you will be assured of advice and assistance from both Local and systemwide UC-AFT officers and staff. They will help you gather and present relevant information and watch deadlines. Unless the article of the MOU which is the basis of the grievance is subject to arbitration, the University's decision after the Step 3 review is final.

Whether you are a lecturer or a librarian, do not suffer in silence. The MOU can provide remedies for many wrongs, but only if grievance procedures are followed. Become familiar with your MOU. Join the Union to help improve and enforce the contract. Stay in touch with your officers -- call or e-mail them as soon as you suspect a problem and don't be intimidated by supervisors who are causing the suffering. A final word about grievances: File early, file often.

## CASE: Success and Stalling

Last spring the Coalition of Allied Student Employees, an affiliate of the UAW, ran a successful card drive at UCR, signing up a majority of all Teaching Assistants (TAs) on campus. The results of this drive were verified by PERB, the Public Employees Relations Board, clearing the way for CASE's recognition as the bargaining agent for TAs at UCR. Six other UC campuses have also completed successful card drives.

The Chancellor at each campus has the power to recognize CASE and allow it to begin

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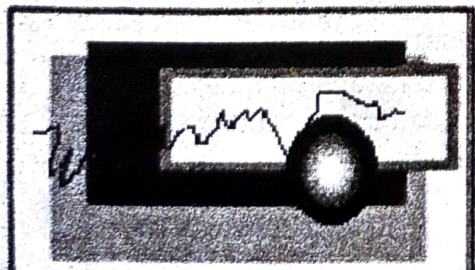
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negotiating an MOU. No chancellor has yet recognized the TA union, but Berdahl at UCB and Carnesdale at UCLA have met with representatives of CASE and were willing to exchange ideas. At UCR, however, Chancellor Orbach has refused to meet with the TAs, sending them instead to the Graduate Dean and the Labor Relations officer, who have no power to make a decision on the union but instead protect the Chancellor from annoyances.

Trying another tack, CASE has been carrying on a letter-writing campaign directed toward legislators at the state and national level. These letters urge the lawmakers to intervene with the University administration, supporting the recognition of the TA union.

The UC-AFT supports the efforts of TAs to unionize and wishes them continued success. The more unions on UC campuses and the more powerful they are, the better for all employees.

( The information in this article was taken by permission from *CASE Newsletter*, Fall 1997. To contact CASE, call (909) 369-8075.)



## Boycott Hyundai

Maquiladora workers at Han Young, a subsidiary of Hyundai in Tijuana, have gone on strike to support three hunger strikers demanding recognition of an independent union. These three workers were fired by Han Young because of their protest of the Mexican government's denial of certification to the union, despite an overwhelming vote among the factory workers to unionize. The situation of the Han Young workers exemplifies the failure of NAFTA to protect workers from exploitative employers, as well as the continued corruption of the Mexican government.

If you are interested in supporting Han Young workers and the hunger strikers, you can do several things:

- Write a letter of protest to Hyundai Motors. Send it to Mong-Gyu Chung, Chairman, Hyundai Motors, 140-2, KyeDong, Chonro-Ku, Seoul, Korea.
- Get involved with the Support Committee for Maquiladora Workers, 3309 Centre St. #210, San Diego, CA 92103 (619) 542-0826.
- Order Boycott Hyundai bumperstickers from Labor/Community Alliance, PO Box 5077, Fresno, CA 93755. \$1.00 each or \$6.00 for ten, plus \$2.50 shipping and handling per order.



UPS news releases hinted disaster-- medical supplies, including human organs, failing to reach destination in time to save a life. Sounding another note, they appealed to the AARP crowd, warning that gifts from loving grandparents to distant grandchildren would be delayed indefinitely. None of it worked. The letters did not arrive at the White House, and Clinton, except for lending his secretary of labor to act as an informal mediator and issuing statements of such Delphic ambiguity that he seemed to be cheering both sides, sat this one out. The public turned increasingly to other carriers, trying to fill the gap left by UPS, and settled in. UPS had failed in its attempt to manipulate the public. Instead of protesting, the public cheered the union on. In polls taken during the strike itself, Americans supported the Teamsters 2-1. There was no change in this attitude. Americans remained as supportive of the strikers on August 19 as they had been on the fourth, and indicated that they would be for much longer, if necessary.

The causes for the apparently sudden change on the part of the American public appear to be immediate, as well as long-range. For one thing, the American middle-class was especially sympathetic with the enormous number of part-timers who were unable to earn a living wage. At the time of the strike, three-fifths of the UPS workforce of 185,000 were part-timers, victims of an eighties corporate dictatorship that had left workers largely powerless. Almost all new hires for UPS since the early eighties had been part-time, and only a few of these jobs had been converted to full-time over the years, despite UPS's undisputed domination of the career indus-

try. Although UPS claimed to the end that theirs was a benevolent company of happy employees, over 90% of the part-time workers were dissatisfied with part-time status.

Of all the issues raised by the Teamsters, the part-time one was the one that struck the most responsive chord among Americans. Reagan's morning in America had finally become late in the day, and the public that had seen wages stagnate from the mid-seventies onward and been victims of the downsizing of America during the eighties while CEO salaries soared to more than 100 times that of the lowest paid workers in their organization had had enough (by contrast, Japanese CEOs make about 40 times that of the lowest-paid worker). This of course UPS did not understand; in fact, UPS executives later admitted that they had not had a strategy, had not believed they needed one, and so they had merely been waiting for Godot.

The strike is also instructive because it shows that Brotherhood and Solidarity are not empty terms, as they may have seemed lately; in fact, they have been reinvigorated by the UPS strike. One of the things that UPS had counted on until the end of the pre-strike negotiations was that the workers, divided by their diverse interests, would never be united enough to stage a successful strike. Because part-timers' interests were largely defined by their desire to become full-time, they were one-issue workers, and theirs was naturally the one issue that full-timers could not be expected to have an interest in furthering.

In matters of raises, or the right to invest in the company's stock (which is not publicly traded), part-timers were once again separated from the full-timers, that minority constituting the "real" work force of

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UPS. For full-timers, the main issue was not the raise, although they wanted one, but retirement, and this turned out to be the one issue the company was most reluctant to negotiate away.

UPS wanted to control the pension funds of all its employees separately from the Teamsters, which have what they call a multi-employer pension fund. The great advantage to this plan is that union members can move from one job to another within the Teamster organization and retain retirement benefits accrued from the earlier job. UPS managers, for reasons all too common, wanted the money in their hands. Their line was that they could deliver a 50% increase in benefits over the Teamster plan. Full-timers remained understandably unconvinced, however, and unwilling to commend themselves to the good offices of UPS.

Unlikely as the reciprocity of support between part-time and full-time workers with such different demands might have seemed to their employer, however, it was apparent from the beginning. Part-timers supported full-timers in the hope of one day becoming one of them. Full-timers needed the help that the sheer numbers of part-timers could supply if they were to stage a successful fight over the pension fund. Moreover, full-timers also realized that as their numbers shrank, they would become an increasingly fragile minority in the workplace, easily disadvantaged, however desirable their job status.

Both part- and full-time workers knew that the pension issue was less likely to engage the public than the part-time one, because of its narrower and more refined focus on the particulars of one or

another retirement plan, and so they all agreed that the cause of the part-timers would be the one to define the strike. It became, and remained, the common goal of all strikers. The show of unity among them was remarkable and one of the main reasons for the success of the strike.

As for solidarity, it is hard to imagine the Teamster success without it. One of the biggest drawbacks to the strike for the workers was that the Teamster strike fund had been emptied long before the strike even began.

Although the Carey administration had done a remarkable job of creating unity among the large work force, the fact remains that it is hard to sustain a long strike among working people without money. Even fifty-five dollars a week in strike benefits would have been much better than nothing, and the Teamsters did not even have that.

Moreover, UPS knew it too, and it gave them another reason for thinking a strike impossible, especially since they themselves had, by one executive's admission, a multi-billion dollar war chest, enough to sustain them during a long siege if necessary. Those under siege, however, are rarely successful, even when provisions are enormous, unless there is support at some point from outside, in this case from Clinton or the outraged public, or both, which did not materialize. All besiegers have to do, by contrast, is hang on. But here the question was for how long that could be done without even minimal strike benefits.

Enter John Sweeney. A few days into the strike, Sweeney, President of AFL-CIO, of which UC-AFT is a member, made what appeared to be an amazing and surprising show of support for the Teamsters--amazing because of the size of the support, surprising

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because it was made at all. The Teamsters after all are a rival union. Nevertheless, Sweeney pledged loans from the labor coalition of ten million dollars a week "for many, many weeks" if need be to support the striking workers with benefits that the Teamsters themselves could not provide.

Although this may have seemed unusual, union officials insist that it is not. According to Denise Mitchell, AFL-CIO's communications director: "Unions generally understand that this is a strike that affects all workers. They all have a strong stake in making sure that workers don't get undermined in this economy." Sweeney put it even more succinctly: "Their fight is our fight."

A few days later, UPS began to rethink its position, very seriously. It began to fear that the \$30-50 million in daily losses during the strike might become a permanent loss of market share afterward, as the nation adjusted to the absence of the world's largest carrier and filled the gap with FedEx or the beleaguered US Postal Service. It also saw that if the nation continued to demonize it, the damage to its image might become irreparable. By the time it was willing to settle quickly, UPS managers had realized that a prolonged strike would hurt the company more than it would hurt the workers. They had reversed themselves completely.

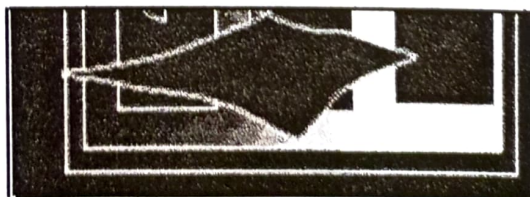
At the table, the Teamsters got just about everything they wanted, and that was much, much more than UPS had been willing to give. Over five years, 10,000 part-time jobs would be converted to full-time ones rather than the 1,000 UPS had offered; during the same period, wages for part-timers, would go up \$4.10 an hour, rather than \$2.50; and full-timers would

get a \$3.60 raise, rather than a dollar. Pension funds were to remain where they were. And sub-contracting, the great enemy of a stable work force, was to be phased out almost immediately, except for peak holiday periods. The only concession Carey made was to let the contract run five years, rather than four; considering what he got, it doesn't seem like it was too much to give up.

Labor experts everywhere agree that the UPS victory signals a change for the better among workers. Former Labor Secretary Robert B. Reich has said that the strike, which "clearly signals something new is 'something of a watershed.'" The Director of the Labor Relations and Research Center at the University of Massachusetts agrees: "things are better for labor than they've been in a very long time." The UPS victory is the antidote to two decades of job uncertainty or loss, to the discouragement of many workers about the power of unions to correct the problems of the workplace.

It has been a long time since we have had an inspiring story on a union theme, and we should not overlook it or ignore its lessons. These next years are going to be crucial ones for those of us in academic labor, especially in the University of California, where unionization is partial, the work force is divided, and management is increasingly distant as it becomes more derivative, taking its model from the private sector and by so doing undercutting the institution it is designed to support.

We urge you to join UC-AFT. Now.



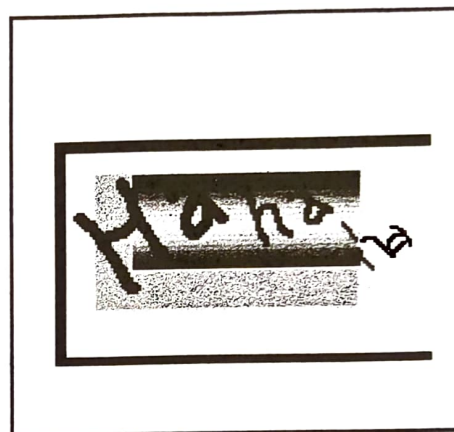


## Comic Relief

The UC-AFT can always depend on the UCR Labor Relations Office to provide us with a good laugh. In response to our complaint that copies of the new MOU were not available for lecturers, we received a letter saying that departments would provide xeroxed copies. These ugly specimens of xerography, with a top page so inky you are afraid to touch it and with fuzzy type throughout, are now supposedly available in department offices.

Following is the justification for this shoddy treatment of lecturers provided by Tony Giorgio, Labor Relations Manager: "While this may not be ideal from your perspective, I nevertheless believe that it meets the requirements of Article 26, Section C, which states that 'A copy of each revised Memorandum of Understanding shall be distributed by the University to each faculty/instructor...'"

Who says the Labor Relations officer has no sense of humor? The UC-AFT is filing a grievance to force the university to provide real copies of the MOU. See your department MSO or AA if you have not received an MOU, either the real thing or the ersatz version.



### ABOUT THE SLATEBOARD

The newsletter is funded by Local 1966 of the University Council-American Federation of Teachers. It appears quarterly and is distributed to all teaching faculty, librarians, and union local presidents on the UCR campus. The editors will print articles on labor relations and other matters of interest to these groups.

The editorial board is made up of members of Local 1966. Opinions are those of the authors and do not necessarily reflect those of the editorial board. We encourage submissions of articles and letters from other members of the campus community. Bring items to the editor, Barbara Gable, English.





